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8 **UNITED STATES DISTRICT COURT**  
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 WILLIAM PIMENTAL,  
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Petitioner,  
vs.  
WARREN L. MONTGOMERY, Warden,  
Respondent.

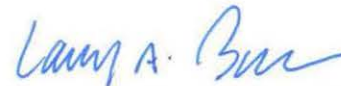
CASE NO. 16cv2212-LAB (DHB)

**ORDER VACATING JUDGMENT**

William Pimental's objections to Judge Porter's Report and Recommendation were due February 16, 2018. They were docketed on March 2. But Pimental turned them over to prison staff on February 15. "Under the 'mailbox rule,' a pro se prisoner's filing of a state habeas petition is deemed filed at the moment the prisoner delivers it to prison authorities for forwarding to the clerk of the court." *Stillman v. LaMarque*, 319 F.3d 1199, 1201 (9th Cir. 2003). Pimental filed his objections on time. Accordingly, the Court vacates the judgment [Dkt. 26] and the order adopting the R&R [Dkt. 25], and will issue a new order after carefully reviewing Pimental's objections.

**IT IS SO ORDERED.**

Dated: 3.9.18



**HONORABLE LARRY ALAN BURNS**  
United States District Judge